

Kerala Gazette No. 14 dated 6th April 2010.

PART I

Section i



GOVERNMENT OF KERALA

Law (Legislation Publication) Department

NOTIFICATION

No. 3870/Leg. Pbn.4/2010/Law. *Dated, Thiruvananthapuram, 16th March 2010.*

The following Act of Parliament, published in the Gazette of India, Extraordinary, Part II, Section I, dated the 27th August, 2009 is hereby re-published for general information. The Bill as passed by the Houses of Parliament received the assent of the President on the 26th August, 2009.

By order of the Governor,

K. SASIDHARAN NAIR,
Law Secretary.

THE METRO RAILWAYS (AMENDMENT) ACT, 2009
 (ACT NO. 34 OF 2009)

AN

ACT

*further to amend the Metro Railways (Construction of Works) Act, 1978
 and to amend the Delhi Metro Railway (Operation and Maintenance)
 Act, 2002*

BE it enacted by Parliament in the Sixtieth Year of the Republic of India as follows :—

CHAPTER I

PRELIMINARY

1. *Short title and commencement.*—(1) This Act may be called the Metro Railways (Amendment) Act, 2009.

(2) It shall come into force on such date as the Central Government may by notification in the Official Gazette, appoint.

CHAPTER II

AMENDMENT TO THE METRO RAILWAYS (CONSTRUCTION OF WORKS)
 ACT, 1978

2. *Amendment of Section 1.*—In the Metro Railways (Construction of Works) Act, 1978 (33 of 1978) (hereafter in this Chapter referred to as the Metro Railways Act), in section 1, in sub-section (3), for the portion beginning with the words “such other metropolitan city” and ending with the words “to that city accordingly”, the following shall be substituted, namely :—

“the National Capital Region, such other metropolitan city and metropolitan area, after consultation with the State Government, and with effect from such date as may be specified in that notification and thereupon the provisions of this Act shall apply to the National Capital Region, such metropolitan city or metropolitan area accordingly.”.

3. *Substitution of words “metropolitan city” by words “metropolitan city, metropolitan area and National Capital Region”.*— In the Metro Railways Act, for the words “metropolitan city” occurring in clause (h) of sub-section (1) of section 2, clause (c) of sub-section (l) of section 4 and clause (a)

of sub-section (1) of section 32, the words “metropolitan city, metropolitan area and the National Capital Region” shall be substituted.

4. *Amendment of Section 2.*—In section 2 of the Metro Railways Act, in sub-section (l), —

- (i) after clause (h), the following clause shall be inserted, namely:—
‘(ha) “metropolitan area” shall have the meaning assigned to it in clause (c) of article 243P of the Constitution;’;
- (ii) after clause (o), the following clause shall be inserted, namely:—
‘(oa) “National Capital Region” means the National Capital Region as defined in clause (f) of section 2 of the National Capital Region Planning Board Act, 1985 (2 of 1985);’.

CHAPTER III

AMENDMENT TO THE DELHI METRO RAILWAY (OPERATION AND MAINTENANCE) ACT, 2002

5. *Substitution of references to “metropolitan city of Delhi” by references to “National Capital Region and any other metropolitan area”.*—Throughout the Delhi Metro Railway (Operation and Maintenance) Act, 2002 (60 of 2002) (hereafter in this Chapter referred to as the Delhi Metro Railway Act), for the words “metropolitan city of Delhi” wherever they occur, the words “the National Capital Region, metropolitan city and metropolitan area” shall be substituted.

6. *Amendment of Section 1.*—In section 1 of the Delhi Metro Railway Act, for sub-sections (1) and (2), the following sub-sections shall be substituted, namely:—

“(1) This Act may be called the Metro Railways (Operation and Maintenance) Act, 2002.

(2) It extends in the first instance to the National Capital Region and the Central Government may, by notification, after consultation with the State Government, extend this Act to such other metropolitan area and metropolitan city, except the metropolitan city of Calcutta, and with effect from such date as may be specified in that notification and thereupon the provisions of this Act shall apply to that metropolitan area or metropolitan city accordingly.”

7. *Amendment of Section 2.*—In Section 2 of the Delhi Metro Railway Act, in sub-section (l),—

(i) for clause (a), the following clauses shall be substituted, namely:—

‘(a) “Central Government”, in relation to technical planning and safety of metro railways, means the Ministry of the Government of India dealing with Railways;

(aa) “Claims Commissioner” means a Claims Commissioner appointed under section 48;’;

(ii) for clause (h) the following clauses shall be substituted, namely:—

‘(h) “metropolitan area” shall have the meaning assigned to it in clause (c) of article 243P of the Constitution;

(ha) “metropolitan city” means the metropolitan city of Bombay, Culcutta, Delhi or Madras;’;

(iii) after clause (k), the following clause shall be inserted, namely:—

‘(a) “National Capital Region” means the National Capital Region as defined in clause (f) of section 2 of the National Capital Region Planning Board Act, 1985 (2 of 1985);’.

8. *Amendment of section 6.*—In section 6 of the Delhi Metro Railway Act in sub-section (2), after clause (b), the following clauses shall be inserted, namely :—

‘(ba) develop any metro railway land for commercial use;

(bb) provide for carriage of passengers by integrated transport services or any other mode of transport;’.

9. *Amendment of section 7.*—Section 7 of the Delhi Metro Railway Act shall be renumbered as sub-section (1) thereof and after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely:—

‘(2) The Commissioner shall function under the administrative control of the Chief Commissioner of Railway Safety appointed under section 5 of the Railways Act, 1989 (24 of 1989).’.

10. *Substitution of new section for section 12.*—For section 12 of the Delhi Metro Railway Act, the following section shall be substituted, namely:—

“12. *Annual report.*—The Chief Commissioner of Railway Safety shall, for each financial year, prepare in such form, and within such time, as may be prescribed, an annual report giving a full account of the

activities of the Commissioners during the financial year immediately preceding the financial year in which such report is prepared and forward copies thereof to the Central Government.”.

11. *Amendment of section 13.*—In section 13 of the Delhi Metro Railway Act, for the word “Commissioner”, the word “Chief Commissioner of Railway Safety” shall be substituted.

12. *Amendment of section 23.*—In section 23 of the Delhi Metro Railway Act, in sub-section (1), for the words “Hindi and English”, the words “Hindi, English and official language of the State in which such station is located” shall be substituted.

13. *Amendment of section 26.*—In section 26 of the Delhi Metro Railway Act, in sub-section (1), the words “a small” shall be omitted.

14. *Amendment of section 34.*—In section 34 of the Delhi Metro Railway Act, for sub-section (4), the following sub-section shall be substituted, namely:—

“(4) The Central Government and the State Government shall nominate one member each to the Fare Fixation Committee:

Provided that a person who is or has been an Additional Secretary to the Government of India or holds or has held an equivalent post in the Central Government or the State Government shall be qualified to be nominated as a member.”.

15. *Amendment of section 38.*—In section 38 of the Delhi Metro Railway Act, in sub-section (2), for the words “Government of the National Capital Territory of Delhi”, the words “State Government” shall be substituted.

16. *Amendment of section 85.*—In section 85 of the Delhi Metro Railway Act,—

(i) in sub-section (1), for the words “Government of the National Capital Territory of Delhi”, the words “State Government” shall be substituted;

(ii) in sub-section (2), for the words “Government of the National Capital Territory of Delhi in the Delhi Gazette”, the words “State Government” shall be substituted.
